

CITY OF BELMONT

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, OCTOBER 2, 2007, 7:00 PM

In Chair Parsons' absence, Vice Chair Frautschi called the meeting to order at 7:00 p.m. at One Twin Pines Lane, City Hall Council Chambers.

1. ROLL CALL

Commissioners Present: Frautschi, Horton, Mayer, McKenzie, Mercer, Wozniak
Commissioners Absent: Parsons

Staff Present: Community Development Director de Melo (CDD), Senior Planner DiDonato (SP), Associate Planner Walker (AP), Assistant Planner Gill (AP), City Attorney Zafferano (CA), Recording Secretary Flores (RS)

2. AGENDA AMENDMENTS - None

3. COMMUNITY FORUM (Public Comments) - None

4. CONSENT CALENDAR

4A. MINUTES OF SEPTEMBER 9, 2007

MOTION: By Commissioner Horton, seconded by Commissioner McKenzie, to accept the Draft Minutes of September 4, 2007, as presented.

Motion passed 6/0/1 by a show of hands

5. OLD BUSINESS

5A. 3709 Encline Way – Modifications to Approved (2003) Landscape Plan.

AP Gill summarized the staff Memorandum, recommending approval of the proposed modifications subject to the additional conditions of approval in the draft resolution. Responding to questions from Commissioners Horton and Mercer, he confirmed that there is no deck proposed in the revised plans, and that only one protected tree was removed.

Commissioner Mercer concurred with staff's appraisal that the original plan had far more trees than could fit on the site, and with Arborist Levison's recommendation for Option 2. She would like to see a tree where they put the paver patio in the front because that is the one place where the view of the house could be blocked and softened. She suggested that a tree could be put in the middle of the pavers and the pavers could be adapted as the tree grows. She was also concerned about the number of small shrubs recommended underneath the Oaks due to the required amount of water.

Commissioner Horton felt that the trees in the front are sufficient and will grow higher, and doubted that the new Oak in the back will survive.

Acting Chair Frautschi recommended that the new trees be 24" box according to the City's standard, and that, since the original plan called for 12 new trees, the applicant be required to pay in-lieu fees for an additional 4 trees at the 15-gallon size into the City tree fund.

AP Gill noted that only 1 tree had been removed and questioned if the City could require the applicant to pay for trees that he had voluntarily put in the original plan.

Kathleen Bennett, applicant, stated that Arborist Levison had confirmed that the 12 trees in the original plan was a mistake. She was not willing to use 24" box trees.

CDD de Melo confirmed that the Planning Commission had the authority to require up to 3 24" box trees for the removal of 1 tree.

Commissioner Mercer feared that planting 24" box trees could end up damaging the volunteer trees that are already there. Commissioner Horton felt that, since there are already enough trees, she would be willing to ask the applicant to pay an in-lieu fee and be done with it.

Responding to Commissioner Mercer's question regarding the large shrub at the left front of the property, Applicant Maurie Bennett stated that there are four separate shrubs, and that they plan to plant two more next to them to fill in the gap between the properties.

MOTION: By Commissioner Mercer, seconded by Commission Horton, to adopt the Resolution requesting a modification to the approved plans for 3709 Encline Way (Appl. No. 2002-0058), given the approved revised plans.

Ayes: Wozniak, Horton, McKenzie, Mercer, Frautschi

Noes: None

Abstain: Mayer

Absent: Parsons

Motion passed 5/0/1/1

5B. 2828 San Juan Boulevard – Request for Extension, Single Family Design Review Approval

AP Walker summarized the staff Memorandum, noting that the applicant has complied with all of the other conditions of approval and that all of the other departments have indicated their approval of the building permits. Staff recommended approval of the one-year time extension.

Rina Shah, owner, asked that, since the approval has been delayed until October, she requested that the extension be granted to October 2008 rather than March.

CDD de Melo responded that staff would prefer to keep the extension to March 21, 2008 because the ordinance clearly states that a building permit shall be pulled and construction diligently started. If they pull the building permit by October 8th and work does not get started, technically one could challenge that and say they did not meet the extension timelines. If they get to a point where they are not able to do work during the winter based upon the grading moratorium, they could revisit the issue next year. He confirmed that the applicant would have the opportunity to request a second time extension but that would be the last one, and that they just have to pull their permit and start construction by March.

MOTION: By Commissioner McKenzie, seconded by Commissioner Mayer, to adopt the Resolution approving an extension of a Single Family Design Review for 2847 San Juan Boulevard (Appl. No. 2007-0054) with the conditions attached as Exhibit A.

Ayes: McKenzie, Mayer, Horton, Mercer, Wozniak, Parsons

Noes: None

Absent: Parsons

Motion passed 6/0/1

It was pointed out that the address on the Resolution was mistakenly shown as 2828 rather than 2847. Staff will make this correction.

5C. 1510 Folger Drive – Landscape Plan for Mid Peninsula Water District Property

Acting Chair Frautschi recused himself from discussion of this item as he lives within 300' of this property. Commissioner Horton took his place.

CDD de Melo summarized the staff Memorandum, recommending approval with the condition requiring the installation of an operational irrigation system.

Commissioner McKenzie recommended that a requirement for ground cover be added to the Plan. CDD de Melo stated that mulch details could be added to the Landscape Plan.

Discussion ensued, with comments from the Commissioners summarized as follows:

- Add requirement for ground cover.
 - Consider shrub planting on the segment between the sidewalk and the driveway.
 - Successful Oaks need at least 20 feet between trees.
 - Diversify the kinds of trees.
 - Be careful not to endanger the power poles.
 - Keep the number of trees and thin out later if needed
 - Trade for other species and add some shrubs.
 - Stagger to give sense of more natural growth
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- Landscape Architect Levison has previously specified that the spacing for Coast Live Oaks should be 15 to 25 feet on center.
 - Planting and then removing later could result in a deformed specimen. Space correctly to begin with.
 - In lieu of the trees that they removed, a fair trade would be to put a couple of shrubs by the driveway. It was not clear how many trees were removed – possibly as many as 10.
 - Provide a Landscape Plan that shows what is currently there.
 - The idea was to get some screening from the public view. Should put in some shrubs for more immediate screening.

CDD de Melo agreed to continue the item to a date uncertain. Staff will work with the Water District on a revised Landscape Plan that takes into account the comments raised by the Commission.

Acting Chair Frautschi returned to the dais.

6. PUBLIC HEARINGS

6A. PUBLIC HEARING – 1000/1020 SIXTH AVENUE

To consider Design Review for the façade modifications and expansion of the existing Caprino's restaurant into an adjacent 983 square-foot commercial space, a Conditional Use Permit to expand the previously approved hours of operation (open later than 11PM) and live musical entertainment for the vacant commercial space, and a Variance from the requirement to provide 11 parking spaces for the restaurant. (Appl. No. 2007-0024)

APN: 045-181-160; Zoned: C-2 (General Commercial)

CEQA Status: Recommended Categorical Exemption per Section 15303

Applicant: Jerry Brown on behalf of Anthony Awad

Owner: Willetta Steventon

AP Walker summarized the Staff Report, recommending approval of all three entitlements.

Responding to Commissioner Mercer's question regarding Condition 8, AP Walker stated that the 7 a.m. opening time is standard but could be changed. Commissioner Mercer asked if there has been any intention to change the wording in Condition 13.b. with respect to the new smoking ordinance. CA Zafferano recommended that it either be deleted or changed to indicate that outside smokers are to be directed to comply with the current smoking ordinance. AP Walker confirmed that the outside doors will slide. She will report back with the total seating capacity of the restaurant.

Commissioner Horton raised a question about the previously discussed rear exit door. CDD de Melo noted that prior to the issuance of the Certificate of Occupancy, the Building Official worked with the applicant and addressed the issues of ADA compliance and a second means of egress from the building. Further responding to Commissioner Horton, he stated that the applicant could address the after-hours use of the restaurant to date and that the two legal parcels are owned by the same person. CA Zafferano noted that it would not necessarily be a lot merger but could be a lot line adjustment.

Commissioner Mayer asked if the Wells Fargo parking lot has always been available to Caprino's. AP Walker replied that it has not been a formal agreement before now but that Wells Fargo does not appear to enforce their parking rights. Acting Chair Frautschi interjected that the agreement letter was written in June 2007 and clearly lays out that clients of Caprino's are only to use the lot after 6:00 p.m. and they are subject to tow prior to that time.

The Public Hearing was opened. No one came forward to speak.

MOTION BY: Commissioner Horton, seconded by Commissioner Mercer, to close the Public Hearing. Motion passed 6/0/1 by a show of hands.

Commissioner McKenzie commented was that he felt accordion doors would encourage tables and chairs spilling out onto the sidewalk. Anthony Awad, owner of Caprino's restaurant, stated that the doors are sliding doors. They are not going all the way to the ground because there is a planter box that goes all the way around the original building. The doors will replace the existing doors. There will be tables inside, next to the sliders.

Vice Chair Frautschi asked the applicant if he thought that noise escaping from the restaurant at night might end up being a problem. Mr. Awad responded that they have had live music for a couple of months, have had the windows open and have never had a complaint. They have air conditioning so that if ever does get too loud they can close the windows. He said the locals are very excited and happy about it and were upset when they stopped. When they are going to start is a debatable issue but they are bringing something to downtown that nobody ever brought before. He will work with the City staff so if there is a problem they will find a way to solve it.

Commissioner Mayer was happy to see the vacant building occupied and felt it would be a great use of the space, noting that it is not surrounded by residential areas and seems a logical place for this type of entertainment. There always seems to be plenty of parking in the area and with the agreement with Wells Fargo, he could not imagine a parking problem. He was in support of the project.

Commissioner Wozniak thought it is a good use of the building next door, it is an expansion of use and did not see a problem with it. The agreement with Wells Fargo should deal with any parking problem. The only issue she remembered from the previous permit was the people in the retirement community across the street, and they haven't complained so far. If there are complaints in the future with the additional music then they will have to deal with it then. As long as it does not affect any residential use it is great and will add some vitality to the downtown area.

Commissioner Horton really liked the wine storage and display above the restrooms but wanted to make sure that the applicant had addressed the structural issues supporting that kind of weight on an upper level. Mr. Awad responded that he has an architect and an engineer. Regarding the parking situation, he added that they have never had a problem with Wells Fargo, even at lunch hours or on their busiest Friday nights. Commissioner Horton continued that she felt it is a great expansion and believed the City's economic development goal is not to have a bunch of parking lots all over the place and that there is clearly enough parking space. The cabaret license is already in place and to just extend it another thousand square feet is not an issue. She supported the project as presented.

Commissioner Mercer thought it was a terrific business decision and a terrific addition to the downtown but had concerns about the parking, not because of this business or the impact it presents right now, but about the pattern they are following that some merchants are being required to provide parking and others are receiving a Variance. In addition, she wanted to send a message to City Council that she was concerned that the City is saying that "someday" they are going to have a downtown parking plan and continuing to grant Variances, and if these businesses eventually really take off they will be in trouble. She could make all

the findings for this particular applicant but was concerned that she won't be able to make the findings for businesses in the future and then this business will have been granted a special privilege.

CDD de Melo commented on two items on the next City Council agenda: 1) A resolution to start the General Plan land use policy amendment phase of the process and capture on the momentum of the recent bus tour, and staff is asking Council to initiate a public review process for those amendments; 2) A status update on the General Plan work update program. The General Plan consultant is going to be preparing that as well, and within that discussion and direction memo is the master parking plan. While the language on the master parking plan will not be in place even in 12 months, it is not like a 3-6 year item; it is going to go hand in hand with these amendments that are going to be coming before the Commission hopefully within the next 6 to 9 months. It is a Priority Calendar item that Council asked staff to work on.

Commissioner Mercer was also concerned that Caprino's occasionally has some tables on the sidewalk of 6th Avenue and patrons are dining there. Staff did not recall any past entitlements for outdoor eating, adding that any use that is conducted outside of a space requires a separate Conditional Use Permit. Commissioner Mercer wanted it made clear that the Variance under discussion does not imply that the applicant has automatically been granted sidewalk seating.

Commissioner McKenzie added that he had no specific issues with this project, that he supports it and it is a welcome asset to Belmont.

Acting Chair Frautschi liked the mechanism of the lot readjustment because they are taking a basically unusable site and making it much more usable, and that it will eventually generate more income for the owner and also for the City. He had concerns about the windows being open at night when entertainment is going on. He had no issue with the parking Variance and was glad to hear that that a master parking plan is going to happen. He agreed that this is a great business decision. He recalled that when the Cabaret license was before them he had said that he wished the owner would approach the City to eliminate the two parking spaces that are directly in front of the restaurant in order to expand the sidewalk so that they could then apply to have sidewalk tables. He felt that cars turning right onto Ralston from 6th Avenue create a safety issue for people trying to park there or trying to exit those parking spaces. He hoped Public Works, Planning and the owner would look at this, it would probably benefit both the restaurant and the City. Regarding the issue of granting a special privilege raised by Commissioner Mercer, he did not feel that when they look at each project individually it is a grant of special privilege. The property they recently approved on O'Neill could handle parking, so they required it; in this case there is absolutely no way unless the building were torn down that the parking could be provided on site, and he liked the good faith effort of Mr. Awad with Wells Fargo to guarantee that he'll have parking in their lot.

MOTION: By Commissioner Mayer, seconded by Commissioner Horton, adopting the Resolution approving a Variance, Conditional Use Permit and Design Review for 1000/1020 Sixth Avenue (Appl. No. 2007-0024), with Exhibit A, Conditions of Approval, as attached.

Ayes: Mayer, Horton, McKenzie, Mercer, Wozniak, Frautschi

Noes: None

Absent: Parsons

Motion passed 6/0/1

CDD de Melo stated that this item may be appealed to the City Council within 10 calendar days.

7. NEW BUSINESS

7A. 1265 Sixth Avenue – Preliminary Design Review

SP DiDonato summarized the staff Memorandum, noting that Commissioners are under no obligation to comment; however, he recommended that they provide the applicant some direction in preparing a formal submittal.

Questions ensued from the Commission - SP DiDonato responded.

Below are Commissioners' comments:

Commissioner Horton:

1. The land use is appropriate for the site.
2. The intensity of land use is appropriate for the site. The City is putting a building across the street that will have two dwelling units in one house. This one has an accessory building that could have two families living in it. The lot is large enough.
3. Would like to see an elevation of this building next to an elevation of the main residence. This building should be lower than the main residence. Need to see it adjacent to the other building to see if it truly does conform architecturally.
4. Believes it is compatible to the surrounding area. It is a very similar look and type of building to the old address at 900 O'Neill.

Commissioner Wozniak:

1. This is a residence in a commercial district but it was there first so she has no problem with land use. Would like more clarification on what the use will be.
2. The parking issue does not bother her.
3. The placement of the building is a little odd; a little close to the main road.
4. If it is executed properly, she does not see a problem with it but would need to see plans.

Commissioner McKenzie:

Can make all of the findings. It needs to be clarified as to exactly what this building is going to be. Would like to see some attention given to the periphery of the property outside the stone wall.

Commissioner Mayer:

Only issue is with number 3 and how these two buildings would look side by side. Agreed with Commissioner Horton that he would like to see a streetscape view and that the secondary building should be set lower on the property.

Commissioner Mercer:

- Would like to see it nudged in the direction of being capable of being multi-family.
- The land use intensity is appropriate. Ideally, in the long run, we will see even a higher density on this site.
- The architecture is compatible.
- Concerned with the scale, because an auxiliary structure needs to be scaled such that it is actually smaller than the original residence, which does not really have a second floor; it's an attic second floor with a shed dormer and a very low roof line. What they are proposing instead is a full two stories, so the difference is that with the existing structure you're looking at a ground floor and a lot of sloped roof with a shed dormer vs. next to it you would be looking at full two-story dwelling. Concerned that that would be inconsistent – the height and scale will be wrong.
- Greatest concern is extending the non-conformity by enlarging it as a single-family dwelling. If it could instead be constructed such that it is totally multi-family capable, whether they use it that way or not, so that it will have a long-term fit with a downtown.

Acting Chair Frautschi:

1. Whether or not the proposed land use is appropriate for the site depends on if it is in fact a secondary unit, which would increase the non-conformity, and we should not be going in that direction. If they're proposing to use it as a multi-family situation, then there has to be a complete analysis of historical integration of the structure. Regarding the subservience of one building to the other, he would want to have them clearly illustrated side by side and when looking at it, it should be obvious which building is the house and that the other building is something else.
2. The intensity seems fine.
3. Regarding the compatibility of the architecture, it looked to him like a lot of paving, which is acceptable in a commercial zone, but he was not sure if it is commercial or residential.
4. First and foremost, if the applicant brings this forward they have to be very clear as to how they propose to use the property.

CDD de Melo concluded that one of the key issues that staff will be conveying to the applicant is the assessment of the compliance with the zoning standards. That will be a key issue as to how they determine single-family or multi-family in concert with the zoning codes.

8. REPORTS, STUDIES AND UPDATES

CDD de Melo reported as follows:

A. NDNU (Koret) Athletic Field

The fourth meeting of the NDNU Athletic Field Task Force was scheduled for October 18th . There will be sound-monitoring studies performed in advance of that date.

B. US 101/Marine Parkway Landscaping Project

The City had met with CalTrans staff, who went to their superiors to get clearance on working on some revised changes. They have the clearance but it will cost the City money because it is not part of the scope of the original project. Staff will be meeting with the committee tasked with working on this issue to address the cost as well as the concerns about safety as the site transitions adjacent to the Hiller and Chesterton properties. The additional scope would be based on the additional plantings that the Commission requested be added to the SW and NW quadrants of the project.

To clarify her original input, Commissioner Mercer added that she did not necessarily think the entire interchange needs more plants, it needs them in the right place. She did not know if the Committee or staff has taken that approach to CalTrans but there is no need to put heavy landscaping on the commercial/industrial side of El Camino – it should be shifted to the other side.

C. U-Haul – 530 El Camino Real

Not sure which way the tree was leaning today, but it is not doing well. Code Enforcement Department has been working with this property owner. Fines had been levied before and he will double check the status.

D. Motel 6 – 1101 Shoreway Road

Motel 6 security personnel agreed to continue to keep going with the 7-day-a-week security force on site from 8 p.m. to the morning hours. Some of the call volumes have gone down but it has not been dramatic so they are going to be instituting some other improvements to the site relative to security and checking id's.

E. 655 South Road

Referred to staff's Memorandum which provides an activity report for the site, noting that there is no active building permit. Commissioner McKenzie questioned the lack of an active building permit as he believed there is major construction work underway. Staff will determine if he is referring to a nearby address as there are several projects underway in the vicinity.

F. 800 Miramar Terrace

Activity report also provided with staff's Memorandum, noting that they do have an active building permit and inspections documented through September 26th. Commissioner McKenzie reminded that the reason he brought this up is that the Commission had approved a second-story expansion and evidently the party decided to abandon that and go for a lesser permit. SP DiDonato explained that it did not cost out for them so they downgraded their project to include a lower floor addition that was less than 400 square feet and therefore didn't trigger Design Review, and then they did a wholesale remodel of the exterior of the home as part of that, also not triggering Design Review. He added that if you do not trigger Design Review you do not trigger a Landscape Plan. Commissioner McKenzie commented that it appeared that the applicant was not happy with the increased costs that the Commission put on them with the Design Review and Landscape Plan, so that sometimes what the Commission does has effects that may not necessarily be the best solution; they may have scared them away from a design that they really wanted.

CDD de Melo notified the Commission and the Public about an Owner/Builder Workshop scheduled for October 18th, 6:30 p.m., in the EOC Room on the second floor of City Hall. The purpose is to answer questions about what happens when citizens first approach the Permit Center with a new project. For registration, contact Kelsey Mathias, 650/595-7422 or at Kmathias@Belmont.gov.

Reminder that the 1000 South Road condominium conversion is tentatively scheduled for the October 16th meeting. A model and revised plans are available for review in the ComDev office.

The first meeting in November will be on Wednesday, November 7, due to the election.

Commissioner Horton announced that the Forum is doing a presentation at the Little Fox Theatre in Redwood City the following night.

Commissioner Horton asked for an update on the Emmett House move. CDD de Melo stated that, in speaking with the Public Works Department and the Building Official, they expect it to be moved late at night within the next 30-35 days.

Acting Chair Frautschi announced a Candidate Forum on Thursday at 7:00 at the Library.

9. CITY COUNCIL MEETING OF TUESDAY, OCTOBER 9, 2007

Liaison: Chair Parsons
Alternate Liaison: Commissioner Horton

10. ADJOURNMENT:

The meeting was adjourned at 9:10 p.m. to a Regular Planning Commission Meeting on Tuesday, October 16, 2007, at 7:00 p.m. in Belmont City Hall.

Carlos de Melo
Planning Commission Secretary

CD's of Planning Commission Meetings are available in the
Community Development Department.
Please call (650) 595-7416 to schedule an appointment.

I:/planning com/Min10022007

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ACTION MINUTES

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1. ROLL CALL

Commissioners Present: Frautschi, Horton, Mayer, McKenzie, Mercer, Wozniak
Commissioners Absent: Parsons

Staff Present: Community Development Director de Melo (CDD), Senior Planner DiDonato (SP), Associate Planner Walker (AP), Assistant Planner Gill (AP), City Attorney Zafferano (CA), Recording Secretary Flores (RS)

2. AGENDA AMENDMENTS - None

3. COMMUNITY FORUM (Public Comments) - None

4. CONSENT CALENDAR

4A. MINUTES OF SEPTEMBER 9, 2007

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Commissioner Mayer asked if the Wells Fargo parking lot has always been available to Caprino's. AP Walker replied that it has not been a formal agreement before now but that Wells Fargo does not appear to enforce their parking rights. Acting Chair Frautschi interjected that the agreement letter was written in June 2007 and clearly lays out that clients of Caprino's are only to use the lot after 6:00 p.m. and they are subject to tow prior to that time.

The Public Hearing was opened. No one came forward to speak.

MOTION BY: Commissioner Horton, seconded by Commissioner Mercer, to close the Public Hearing. Motion passed 6/0/1 by a show of hands.

Commissioner McKenzie commented that he felt accordion doors would encourage tables and chairs spilling out onto the sidewalk. Anthony Awad, owner of Caprino's restaurant, stated that the doors are sliding doors. They are not going all the way to the ground because there is a planter box that goes all the way around the original building. The doors will replace the existing doors. There will be tables inside, next to the sliders.

Vice Chair Frautschi asked the applicant if he thought that noise escaping from the restaurant at night might end up being a problem. Mr. Awad responded that they have had live music for a couple of months, have had the windows open and have never had a complaint. They have air conditioning so that if ever does get too loud they can close the windows. He said the locals are very excited and happy about it and were upset

when they stopped. When they are going to start is a debatable issue but they are bringing something to downtown that nobody ever brought before. He will work with the City staff so if there is a problem they will find a way to solve it.

Commissioner Mayer was happy to see the vacant building occupied and felt it would be a great use of the space, noting that it is not surrounded by residential areas and seems a logical place for this type of entertainment. There always seems to be plenty of parking in the area and with the agreement with Wells Fargo, he could not imagine a parking problem. He was in support of the project.

Commissioner Wozniak thought it is a good use of the building next door, it is an expansion of use and did not see a problem with it. The agreement with Wells Fargo should deal with any parking problem. The only issue she remembered from the previous permit was the people in the retirement community across the street, and they haven't complained so far. If there are complaints in the future with the additional music then they will have to deal with it then. As long as it does not affect any residential use it is great and will add some vitality to the downtown area.

Commissioner Horton really liked the wine storage and display above the restrooms but wanted to make sure that the applicant had addressed the structural issues supporting that kind of weight on an upper level. Mr. Awad responded that he has an architect and an engineer. Regarding the parking situation, he added that they have never had a problem with Wells Fargo, even at lunch hours or on their busiest Friday nights. Commissioner Horton continued that she felt it is a great expansion and believed the City's economic development goal is not to have a bunch of parking lots all over the place and that there is clearly enough parking space. The cabaret license is already in place and to just extend it another thousand square feet is not an issue. She supported the project as presented.

Commissioner Mercer thought it was a terrific business decision and a terrific addition to the downtown but had concerns about the parking, not because of this business or the impact it presents right now, but about the pattern they are following that some merchants are being required to provide parking and others are receiving a Variance. In addition, she wanted to send a message to City Council that she was concerned that the City is saying that "someday" they are going to have a downtown parking plan and continuing to grant Variances, and if these businesses eventually really take off they will be in trouble. She could make all the findings for this particular applicant but was concerned that she won't be able to make the findings for businesses in the future and then this business will have been granted a special privilege.

CDD de Melo commented on two items on the next City Council agenda: 1) A resolution to start the General Plan land use policy amendment phase of the process and capture on the momentum of the recent bus tour, and staff is asking Council to initiate a public review process for those amendments; 2) A status update on the General Plan work update program. The General Plan consultant is going to be preparing that as well, and within that discussion and direction memo is the master parking plan. While the language on the master parking plan will not be in place even in 12 months, it is not like a 3-6 year item; it is going to go hand in hand with these amendments that are going to be coming before the Commission hopefully within the next 6 to 9 months. It is a Priority Calendar item that Council asked staff to work on.

Commissioner Mercer was also concerned that Caprino's occasionally has some tables on the sidewalk of 6th Avenue and patrons are dining there. Staff did not recall any past entitlements for outdoor eating, adding that any use that is conducted outside of a space requires a separate Conditional Use Permit. Commissioner Mercer wanted it made clear that the Variance under discussion does not imply that the applicant has automatically been granted sidewalk seating.

Commissioner McKenzie added that he had no specific issues with this project, that he supports it and it is a welcome asset to Belmont.

Acting Chair Frautschi liked the mechanism of the lot readjustment because they are taking a basically unusable site and making it much more usable, and that it will eventually generate more income for the owner and also for the City. He had concerns about the windows being open at night when entertainment is going on. He had no issue with the parking Variance and was glad to hear that that a master parking plan is going to happen. He agreed that this is a great business decision. He recalled that when the Cabaret license was before them he had said that he wished the owner would approach the City to eliminate the two parking spaces that are directly in front of the restaurant in order to expand the sidewalk so that they could then apply to have sidewalk tables. He felt that cars turning right onto Ralston from 6th Avenue create a

safety issue for people trying to park there or trying to exit those parking spaces. He hoped Public Works, Planning and the owner would look at this, it would probably benefit both the restaurant and the City. Regarding the issue of granting a special privilege raised by Commissioner Mercer, he did not feel that when they look at each project individually it is a grant of special privilege. The property they recently approved on O'Neill could handle parking, so they required it; in this case there is absolutely no way unless the building were torn down that the parking could be provided on site, and he liked the good faith effort of Mr. Awad with Wells Fargo to guarantee that he'll have parking in their lot.

MOTION: By Commissioner Mayer, seconded by Commissioner Horton, adopting the Resolution approving a Variance, Conditional Use Permit and Design Review for 1000/1020 Sixth Avenue (Appl. No. 2007-0024), with Exhibit A, Conditions of Approval, as attached.

Ayes: Mayer, Horton, McKenzie, Mercer, Wozniak, Frautschi

Noes: None

Absent: Parsons

Motion passed 6/0/1

CDD de Melo stated that this item may be appealed to the City Council within 10 calendar days.

7. NEW BUSINESS

7A. 1265 Sixth Avenue – Preliminary Design Review

SP DiDonato summarized the staff Memorandum, noting that Commissioners are under no obligation to comment; however, he recommended that they provide the applicant some direction in preparing a formal submittal.

Questions ensued from the Commission - SP DiDonato responded.

Below are Commissioners' comments:

Commissioner Horton:

1. The land use is appropriate for the site.
2. The intensity of land use is appropriate for the site. The City is putting a building across the street that will have two dwelling units in one house. This one has an accessory building that could have two families living in it. The lot is large enough.
3. Would like to see an elevation of this building next to an elevation of the main residence. This building should be lower than the main residence. Need to see it adjacent to the other building to see if it truly does conform architecturally.
4. Believes it is compatible to the surrounding area. It is a very similar look and type of building to the old address at 900 O'Neill.

Commissioner Wozniak:

1. This is a residence in a commercial district but it was there first so she has no problem with land use. Would like more clarification on what the use will be.
2. The parking issue does not bother her.
3. The placement of the building is a little odd; a little close to the main road.
4. If it is executed properly, she does not see a problem with it but would need to see plans.

Commissioner McKenzie:

Can make all of the findings. It needs to be clarified as to exactly what this building is going to be. Would like to see some attention given to the periphery of the property outside the stone wall.

Commissioner Mayer:

Only issue is with number 3 and how these two buildings would look side by side. Agreed with Commissioner Horton that he would like to see a streetscape view and that the secondary building should be set lower on the property.

Commissioner Mercer:

- Would like to see it nudged in the direction of being capable of being multi-family.
- The land use intensity is appropriate. Ideally, in the long run, we will see even a higher density on this site.
- The architecture is compatible.
- Concerned with the scale, because an auxiliary structure needs to be scaled such that it is actually smaller than the original residence, which does not really have a second floor; it's an attic second floor with a shed dormer and a very low roof line. What they are proposing instead is a full two stories, so the difference is that with the existing structure you're looking at a ground floor and a lot of sloped roof with a shed dormer vs. next to it you would be looking at full two-story dwelling. Concerned that that would be inconsistent – the height and scale will be wrong.
- Greatest concern is extending the non-conformity by enlarging it as a single-family dwelling. If it could instead be constructed such that it is totally multi-family capable, whether they use it that way or not, so that it will have a long-term fit with a downtown.

Acting Chair Frautschi:

1. Whether or not the proposed land use is appropriate for the site depends on if it is in fact a secondary unit, which would increase the non-conformity, and we should not be going in that direction. If they're proposing to use it as a multi-family situation, then there has to be a complete analysis of historical integration of the structure. Regarding the subservience of one building to the other, he would want to have them clearly illustrated side by side and when looking at it, it should be obvious which building is the house and that the other building is something else.
2. The intensity seems fine.
3. Regarding the compatibility of the architecture, it looked to him like a lot of paving, which is acceptable in a commercial zone, but he was not sure if it is commercial or residential.
4. First and foremost, if the applicant brings this forward they have to be very clear as to how they propose to use the property.

CDD de Melo concluded that one of the key issues that staff will be conveying to the applicant is the assessment of the compliance with the zoning standards. That will be a key issue as to how they determine single-family or multi-family in concert with the zoning codes.

8. REPORTS, STUDIES AND UPDATES

CDD de Melo reported as follows:

A. NDNU (Koret) Athletic Field

The fourth meeting of the NDNU Athletic Field Task Force was scheduled for October 18th . There will be sound-monitoring studies performed in advance of that date.

B. US 101/Marine Parkway Landscaping Project

The City had met with CalTrans staff, who went to their superiors to get clearance on working on some revised changes. They have the clearance but it will cost the City money because it is not part of the scope of the original project. Staff will be meeting with the committee tasked with working on this issue to address the cost as well as the concerns about safety as the site transitions adjacent to the Hiller and Chesterton properties. The additional scope would be based on the additional plantings that the Commission requested be added to the SW and NW quadrants of the project.

To clarify her original input, Commissioner Mercer added that she did not necessarily think the entire interchange needs more plants, it needs them in the right place. She did not know if the Committee or staff has taken that approach to CalTrans but there is no need to put heavy landscaping on the commercial/industrial side of El Camino – it should be shifted to the other side.

C. U-Haul – 530 El Camino Real

Not sure which way the tree was leaning today, but it is not doing well. Code Enforcement Department has been working with this property owner. Fines had been levied before and he will double check the status.

D. Motel 6 – 1101 Shoreway Road

Motel 6 security personnel agreed to continue to keep going with the 7-day-a-week security force on site

from 8 p.m. to the morning hours. Some of the call volumes have gone down but it has not been dramatic so they are going to be instituting some other improvements to the site relative to security and checking id's.

E. 655 South Road

Referred to staff's Memorandum which provides an activity report for the site, noting that there is no active building permit. Commissioner McKenzie questioned the lack of an active building permit as he believed there is major construction work underway. Staff will determine if he is referring to a nearby address as there are several projects underway in the vicinity.

F. 800 Miramar Terrace

Activity report also provided with staff's Memorandum, noting that they do have an active building permit and inspections documented through September 26th. Commissioner McKenzie reminded that the reason he brought this up is that the Commission had approved a second-story expansion and evidently the party decided to abandon that and go for a lesser permit. SP DiDonato explained that it did not cost out for them so they downgraded their project to include a lower floor addition that was less than 400 square feet and therefore didn't trigger Design Review, and then they did a wholesale remodel of the exterior of the home as part of that, also not triggering Design Review. He added that if you do not trigger Design Review you do not trigger a Landscape Plan. Commissioner McKenzie commented that it appeared that the applicant was not happy with the increased costs that the Commission put on them with the Design Review and Landscape Plan, so that sometimes what the Commission does has effects that may not necessarily be the best solution; they may have scared them away from a design that they really wanted.

CDD de Melo notified the Commission and the Public about an Owner/Builder Workshop scheduled for October 18th, 6:30 p.m., in the EOC Room on the second floor of City Hall. The purpose is to answer questions about what happens when citizens first approach the Permit Center with a new project. For registration, contact Kelsey Mathias, 650/595-7422 or at Kmathias@Belmont.gov.

Reminder that the 1000 South Road condominium conversion is tentatively scheduled for the October 16th meeting. A model and revised plans are available for review in the ComDev office.

The first meeting in November will be on Wednesday, November 7, due to the election.

Commissioner Horton announced that the Forum is doing a presentation at the Little Fox Theatre in Redwood City the following night.

Commissioner Horton asked for an update on the Emmett House move. CDD de Melo stated that, in speaking with the Public Works Department and the Building Official, they expect it to be moved late at night within the next 30-35 days.

Acting Chair Frautschi announced a Candidate Forum on Thursday at 7:00 at the Library.

9. CITY COUNCIL MEETING OF TUESDAY, OCTOBER 9, 2007

Liaison: Chair Parsons

Alternate Liaison: Commissioner Horton

10. ADJOURNMENT:

The meeting was adjourned at 9:10 p.m. to a Regular Planning Commission Meeting on Tuesday, October 16, 2007, at 7:00 p.m. in Belmont City Hall.

Carlos de Melo
Planning Commission Secretary

CD's of Planning Commission Meetings are available in the
Community Development Department.
Please call (650) 595-7416 to schedule an appointment.